

# **Exhibit A**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

RICHARD LEVIN, trustee for the liquidating  
trusts of FIRESTAR DIAMOND, INC.,  
FANTASY, INC., and OLD AJ, INC. f/k/a  
A. JAFFE, INC.,

Plaintiff,

v.

AMI JAVERI (A/K/A AMI MODI); PURVI  
MEHTA (A/K/A PURVI MODI); NEHAL  
MODI; NEESHAL MODI; CENTRAL PARK  
REAL ESTATE, LLC; CENTRAL PARK SOUTH  
50 PROPERTIES, LLC; TRIDENT TRUST  
COMPANY (SOUTH DAKOTA) INC., solely as  
Trustee of the ITHACA TRUST; TWIN FIELDS  
INVESTMENTS LTD.; AURAGEM COMPANY  
LTD.; BRILLIANT DIAMONDS LTD.; ETERNAL  
DIAMONDS CORPORATION LTD.; FANCY  
CREATIONS COMPANY LTD.; SINO TRADERS  
LTD.; SUNSHINE GEMS LTD.,

Defendants.

Adv. Proc. No. 20-1054 (SHL)

**PLAINTIFF'S EX PARTE MOTION FOR AN ORDER OF ATTACHMENT**

Plaintiff Richard Levin, as trustee ("**Trustee**") of the liquidating trusts established for the Debtors' estates in the above-captioned chapter 11 cases, moves *ex parte* under Article 62 of the New York Civil Practice Law and Rules, Federal Rule of Civil Procedure 64, and Federal Rule of Bankruptcy Procedure 7064 for entry of a pre-judgment order of attachment against Defendants Ami Javeri ("**Javeri**"), Central Park South 50 Properties, LLC ("**CPS50**"), Central Park Real Estate, LLC ("**CPRE**"), and Trident Trust Company, solely as Trustee of the Ithaca Trust ("**Trident**" and, together with Javeri, CPS50, and CPRE, the "**Ithaca Trust Defendants**") to (1) secure the Trustee's potential judgment in this action in the amount of at least \$75,000,000, plus interest and costs, and (2) authorize the Trustee to conduct discovery of the Ithaca Trust Defendants' assets available to satisfy a judgment.

In support of this Motion, the Trustee is contemporaneously submitting a memorandum of law (the "**Memorandum of Law**") and the declaration of Richard Levin (the "**Levin Declaration**"), which set forth the legal and factual bases entitling the Trustee to the relief requested herein.

WHEREFORE, for the reasons set forth in the Memorandum of Law and the Levin Declaration, the Trustee respectfully requests entry of an order of attachment, substantially in the form annexed as **Exhibit A**, attaching the Ithaca Trust Defendants' property, authorizing discovery of the assets owned by the Ithaca Trust Defendants, and granting all other just and proper relief.

*[Signature page follows]*

Dated: February 15, 2022  
New York, New York

Respectfully submitted,

**JENNER & BLOCK LLP**

By: /s/ Angela M. Allen

Vincent E. Lazar

Angela M. Allen (admitted *pro hac vice*)

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**Exhibit A**  
**Proposed Order**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

RICHARD LEVIN, trustee for the liquidating  
trusts of FIRESTAR DIAMOND, INC.,  
FANTASY, INC., and OLD AJ, INC. f/k/a  
A. JAFFE, INC.,

Plaintiff,

v.

AMI JAVERI (A/K/A AMI MODI); PURVI  
MEHTA (A/K/A PURVI MODI); NEHAL  
MODI; NEESHAL MODI; CENTRAL PARK  
REAL ESTATE, LLC; CENTRAL PARK SOUTH  
50 PROPERTIES, LLC; TRIDENT TRUST  
COMPANY (SOUTH DAKOTA) INC., solely as  
Trustee of the ITHACA TRUST; TWIN FIELDS  
INVESTMENTS LTD.; AURAGEM COMPANY  
LTD.; BRILLIANT DIAMONDS LTD.; ETERNAL  
DIAMONDS CORPORATION LTD.; FANCY  
CREATIONS COMPANY LTD.; SINO TRADERS  
LTD.; SUNSHINE GEMS LTD.,

Defendants.

Adv. Proc. No. 20-1054 (SHL)

**ORDER OF ATTACHMENT**

This matter coming before the Court on the *ex parte* motion for an order of attachment and discovery (the “**Motion**”) filed by Richard Levin, as trustee (the “**Trustee**”) for the liquidating trusts of Firestar Diamond, Inc., Fantasy, Inc., and Old AJ, Inc. (f/k/a A. Jaffe, Inc.) seeking the attachment of certain defendants’ property to secure a judgment obtained in this action and requesting authorization to conduct discovery of such defendants’ potential assets; the Court having reviewed the Motion and the memorandum of law (the “**Memorandum of Law**”) and the declaration of Richard Levin (the “**Levin Declaration**”) filed in support thereof; the Court having found that the Court has jurisdiction over this matter under 28 U.S.C. § 1334; and the Court having determined that the legal and factual bases set forth in the Motion, Memorandum of Law, and the Levin Declaration satisfy the requirements of Article 62 of the New York Civil Practice Law and Rules, Federal Rule of Civil Procedure 64, and Federal Rule of Bankruptcy Procedure 7064, and establish just cause for the relief requested therein;

**IT IS HEREBY ORDERED:**

1. The Motion is granted as set forth herein.
2. In accordance with N.Y. C.P.L.R. § 6214 and Federal Rule of Civil Procedure 4.1, the United States Marshal for the Southern District of New York or any person appointed to act in his or her place and stead (the “**U.S. Marshal**”) shall serve this Order of Attachment upon counsel of record to Defendants Ami Javeri (“**Javeri**”), Central Park South 50 Properties, LLC (“**CPS50**”), Central Park Real Estate, LLC (“**CPRE**”), and Trident Trust Company, solely as Trustee of the Ithaca Trust (“**Trident**” and, together with Javeri, CPRE, and CPS50, the “**Ithaca Trust Defendants**”) no later than two business days after the date hereof.
3. In accordance with N.Y. C.P.L.R. § 6216 and Federal Rule of Civil Procedure 4.1, the U.S. Marshall shall file this Order of Attachment with the County Clerk of New York County no later than two business days after the date hereof.

4. In accordance with N.Y. C.P.L.R. §§ 6211, 6214, and 6216, the foregoing service of this Order of Attachment shall cause to be levied such property of the Ithaca Trust Defendants as will satisfy an amount worth not less than \$75,000,000, plus the amount of interest and costs, including the U.S. Marshall's fees and expenses, incurred in this action. Such levied property shall include: (i) the real property located at 50 Central Park South, Unit 33, New York, NY 10019 (the "**Ritz Carlton Apartment**"); (ii) Defendant CPS50's legal title to the Ritz Carlton Apartment; (iii) Defendant Trident's ownership interest in CPS50 (including any membership units, shares, or other certificates or securities evidencing such ownership interest), held by Defendant Trident as Trustee of the Ithaca Trust; (iv) the real property located at 160 Central Park South, Unit 3601, New York, NY 10019 (the "**Essex House Apartment**"); (v) Defendant CPRE's legal title to the Essex House Apartment; (vi) Defendant Trident's ownership interest in CPRE (including any membership units, shares, or other certificates or securities evidencing such ownership interest), held by Defendant Trident as Trustee of the Ithaca Trust; (vii) Defendant Javeri's beneficial interests in the Ithaca Trust; (viii) Defendant Javeri's interests as Investment Advisor of the Ithaca Trust; (ix) Defendant Javeri's interests as manager of CPS50 and as manager of CPRE; and (x) any other property owned by or in the possession, custody, or control of the Ithaca Trust Defendants.

5. In accordance with N.Y. C.P.L.R. § 6211, pending further order of the Court confirming the attachment authorized herein, the U.S. Marshall shall not take actual custody of any personal property that is levied under this Order of Attachment.

6. In accordance with N.Y. C.P.L.R. § 6211, within five days after service of the levy, the Trustee shall move on notice to the Ithaca Trust Defendants for an order confirming this Order of Attachment.

7. In accordance with N.Y. C.P.L.R. § 6220, the Trustee may take discovery, including but not limited to requests for production, interrogatories, and depositions, of the Ithaca Trust



Defendants and any other person or entity that may have information concerning the Ithaca Trust Defendants' attachable property or debt.

8. In accordance with N.Y. C.P.L.R. § 6212(b), the Trustee shall post an undertaking in the amount of \$50,000 as security.

Dated: \_\_\_\_\_, 2022  
New York, New York

\_\_\_\_\_  
HONORABLE SEAN H. LANE  
UNITED STATES BANKRUPTCY JUDGE

Submitted by:

**Jenner & Block LLP**

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*Counsel for the Trustee*<sup>1</sup>

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<sup>1</sup> The names and addresses of the Trustee's counsel are so indorsed in accordance with N.Y. C.P.L.R. § 6211(a).